

## CCRB INVESTIGATIVE RECOMMENDATION

|  |  |                           |  |                                    |                                 |
|--|--|---------------------------|--|------------------------------------|---------------------------------|
| Investigator:<br>Casey McCann                    | Team:<br>Squad #14   | CCRB Case #:<br>201906718 | <input type="checkbox"/> Force                         | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |  |                           | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Saturday, 06/22/2019 6:43 PM | Location of Incident:<br>Johnson Avenue and Gardner Avenue | Precinct:<br>90           | 18 Mo. SOL<br>12/22/2020                               | EO SOL<br>8/8/2021                 |                                 |
| Date/Time CV Reported<br>Sat, 07/13/2019 8:22 PM | CV Reported At:<br>IAB                                     | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Wed, 07/31/2019 10:40 AM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)       | Shield | TaxID  | Command |
|--------------------------|--------|--------|---------|
| 1. POM Anthony Codispoti | 22840  | 952601 | 090 PCT |

| Officer(s)              | Allegation  | Investigator Recommendation |
|-------------------------|---|-----------------------------|
| A.POM Anthony Codispoti | Abuse: Police Officer Anthony Codispoti stopped § 87(2)(b) [REDACTED]                                 |                             |
| B.POM Anthony Codispoti | Abuse: Police Officer Anthony Codispoti threatened to arrest § 87(2)(b) [REDACTED]                    |                             |
| C.POM Anthony Codispoti | Abuse: Police Officer Anthony Codispoti seized § 87(2)(b) [REDACTED] s property.                      |                             |
| D.POM Anthony Codispoti | Abuse: Police Officer Anthony Codispoti failed to provide § 87(2)(b) [REDACTED] with a business card. |                             |

### Case Summary

On July 13, 2019, § 87(2)(b) filed this complaint with IAB via telephone. The complaint was received at the CCRB on July 31, 2019.

On June 22, 2019, at approximately 6:43 p.m., at the corner of Johnson Avenue and Gardner Avenue in Brooklyn, Police Officer Anthony Codispoti of the 90<sup>th</sup> Precinct allegedly stopped § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Codispoti allegedly threatened to arrest § 87(2)(b) and took his motorized bike (**Allegations B and C: Abuse of Authority, § 87(2)(g)**). PO Codispoti allegedly did not provide § 87(2)(b) with a business card (**Allegation D: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was neither arrested nor summonsed during this incident.

There is no video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Anthony Codispoti stopped § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Anthony Codispoti threatened to arrest**

**§ 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Anthony Codispoti seized § 87(2)(b)'s property.**

**Allegation (D) Abuse of Authority: Police Officer Anthony Codispoti failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) (BR 01) testified that he owns a green, street-legal bike, described as a cross between a dirt bike and a motorcycle. § 87(2)(b) testified that the incident occurred on June 21, 2019, but the investigation determined the incident occurred on June 22, 2019. § 87(2)(b) was walking with his bike on the sidewalk near the intersection of Gardner Avenue and Johnson Avenue, as he was having trouble starting the bike. As § 87(2)(b) walked, he saw a marked police vehicle stopped at a red light on the opposite side of the street. § 87(2)(b) then heard running behind him and turned around and saw PO Codispoti. PO Codispoti grabbed § 87(2)(b)'s bike and asked him for identification. § 87(2)(b) asked why PO Codispoti needed identification and argued with PO Codispoti about whether he in fact owned the bike. PO Codispoti said, "You can either get arrested with the bike or walk away." § 87(2)(b) walked away and left PO Codispoti with the bike. After walking halfway down Gardner Avenue, PO Codispoti whistled at § 87(2)(b) and § 87(2)(b) returned to the corner where PO Codispoti was standing with his bike. PO Codispoti asked § 87(2)(b) how to start the bike and § 87(2)(b) explained that the bike was giving him trouble earlier, which is why he was walking with it. § 87(2)(b) was able to start the bike for PO Codispoti. § 87(2)(b) then walked away. PO Codispoti did not offer § 87(2)(b) a business card.

PO Codispoti (BR 02) testified that he was working a traffic assignment alone in a marked vehicle when he saw § 87(2)(b) riding a green and white dirt bike without a license plate in the street. § 87(2)(b) was doing "wheelies" on the bike and driving recklessly, but PO Codispoti could not affect a vehicle stop at this time because of heavy traffic in the area. A few hours later, PO Codispoti saw § 87(2)(b) sitting on his bike a second time, but the bike was stalled. PO Codispoti suspected § 87(2)(b) of reckless driving due to the observations he made earlier. When PO Codispoti pulled next to § 87(2)(b) on the bike, § 87(2)(b) dropped the bike and ran. PO Codispoti did not say anything to § 87(2)(b) and could not give § 87(2)(b) a business card because § 87(2)(b) fled immediately. PO Codispoti called for an additional unit for assistance in bring the bike back to the 90<sup>th</sup> Precinct. PO Codispoti vouchered the bike for safekeeping.

No person shall operate a motorized scooter in the city of New York. "Motorized scooter" shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator and is not capable of being registered with the New York State Department of Motor Vehicles. New York City Administrative Code 19-176.2 (BR 03).

§ 87(2)(g)

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 04).
- PO Codispoti has been a member of service for seven years and has been a subject in four prior CCRB complaints and four allegations, none of which was substantiated. ■

§ 87(2)(g)

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of September 13, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 05).

- § 87(2)(b)

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date

